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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/825,482      | 04/03/2001  | Menashi A. Cohenford | 11.018011           | 2116             |

38732 7590 12/28/2005

CYTYC CORPORATION  
250 CAMPUS DRIVE  
MARLBOROUGH, MA 01752

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| EXAMINER |
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WILDER, CYNTHIA B

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| ART UNIT | PAPER NUMBER |
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1637

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

***Notice of Non-Responsive Amendment***

1. The amendment filed on 10/10/2005 is considered non-compliant because Applicant elected claims without traverse to the sequence as described in SEQ ID NO: 6. Applicant canceled all claims previously examined comprising the elected SEQ ID NO: 6 in the amendment filed on 10/10/2005 and have added new claims 97-116 drawn to the sequences of SEQ ID NOS: 9, 10, 12, 13, 17-19, and 21. The newly added claims submitted therein are directed to an invention that is independent or distinct from the invention originally claimed and examined. Since Applicant has received an action on the merits for the originally presented invention, the newly added claims 97-116 are considered withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 821.03.

2. If the non-compliant amendment is a **Preliminary Amendment**, Applicant is given ONE MONTH from the mail date of this letter to supply the corrected sections which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and explanation on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132 and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **Non-Final Office Action (including a submission for an RCE)**, and the amendment appears to a *bona fide* attempt to be a reply (37 CFR 1.135(c)), Applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME ARE AVAILABLE UNDER 37 CFR 1.136(a).**

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If this amendment is a reply to a **Final Action**, this form may be an attachment to an advisory action. **The period of response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

### Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia B. Wilder, Ph.D. whose telephone number is (571) 272-0791. The examiner works a flexible schedule and can be reached by phone and voice mail. Alternatively, a request for a return telephone call may be emailed to [cynthia.wilder@uspto.gov](mailto:cynthia.wilder@uspto.gov). Since email communications may not be secure, it is suggested that information in such request be limited to name, phone number, and the best time to return the call.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (703) 308-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CYNTHIA WILDER  
PATENT EXAMINER  
12/22/05